

APPENDIX B
CZMA CONSISTENCY EVALUATION

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C COASTAL ZONE CONSISTENCY EVALUATION

C.1 FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION PROCEDURES - EVERGLADES AGRICULTURAL AREA A-1 FLOW EQUALIZATION BASIN

C.1.1 Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: *The proposed project work is not seaward of the mean high water line and would not affect shorelines or shoreline processes.*

C.1.2 Chapters 163 (part II), 186 and 187, County, Municipal, State and Regional Planning.

These chapters establish the Local Comprehensive Plans, the Strategic Regional Policy Plans, and the State Comprehensive Plan (SCP). The SCP sets goals that articulate a strategic vision of the State's future. Its purpose is to define in a broad sense, goals and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: *The proposed project is being coordinated with various Federal, State and local agencies through the National Environmental Policy Act process and the regulatory permit evaluation. The proposed project, which is specified in the South Florida Water Management District's (SFWMD's) Regional Water Quality Plan, would achieve the goals of this chapter by assisting in achieving the water quality based effluent limit for South Florida's water resources, which would support the continued orderly social, economic and physical growth of the region.*

C.1.3 Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: *The proposed project would have no adverse effect on existing or projected future flood control, or public safety. Adequate flood control for residents of the regions will be maintained.*

C.1.4 Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; near shore reefs; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed project would make a positive contribution to improving water quality in the Everglades Protection Area and promoting Everglades restoration. This action includes improving water quality and enhancing fish and wildlife and wetland resources. The proposed project would comply with the intent of this chapter.

C.1.5 Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: The property proposed for this project is already in public ownership. The proposed project would comply with the intent of this chapter.

C.1.6 Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: State and local parks do exist south and east of the project site. These include the Water Conservation Areas (WCAs), Holey Land Wildlife Management Area, and Rotenberger Wildlife Management Area. These would be temporarily impacted by construction activities with an increase in traffic. These impacts would be minimized and avoided as practicable. The project is consistent with this chapter.

C.1.7 Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities and for implementing the Section 106 of the National Historic Preservation Act of 1966, as amended; and the National Environmental Policy Act of 1969, as amended.

Construction and operation of the proposed project would have no effect on cultural resources on the A-1 project site. The A-1 project site has been the subject of multiple investigations to determine the presence of cultural, historical and archeological resources. No sites eligible for the National Register of Historic Places were found in the project area. The project will be consistent with the goals of this chapter.

C.1.8 Chapter 288, Economic Development and Tourism.

This chapter directs the State to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The proposed project would achieve the goals of this chapter by contributing to the economic development of the area by increasing the employment opportunities for local construction personnel which would support economic diversification. If the project site were to support recreational activities, the project could improve local tourism.

C.1.9 Chapters 334 (Transportation Administration), 335 (State Highway System), 338 (Intrastate Highway System and Toll Facilities) and 339 (Public Transportation).

These chapters authorize the planning and development of a safe, balanced and efficient transportation system.

Response: Highways could experience short-term impacts through an increase in construction traffic on roadways during construction activities. Any impacts from construction traffic would be short term and would not cause extended delays on adjacent highways.

C.1.10 Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and to conduct scientific, economic, and other studies and research.

Response: The proposed project is inland and not expected to have a direct or indirect adverse impact on saltwater resources.

C.1.11 Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission (now called the Florida Fish and Wildlife Conservation Commission) and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions that provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: *The project is expected to have a long-term beneficial effect on freshwater aquatic life and wild animal life by creating more aquatic habitat for these species. The proposed project will be coordinated with the Florida Fish and Wildlife Conservation Commission for review.*

C.1.12 Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: *The applicant for this project is the SFWMD, which is one of the state agencies responsible for implementing this statute. The Florida Department of Environmental Protection, another state agency, is evaluating the project to ensure compatibility with established policies. The project is consistent with the goals of this chapter.*

C.1.13 Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: *As a condition of the permit, the SFWMD would be prohibited from dumping oil, fuel, or hazardous wastes in the work area and will require that the contractor adopt safe and sanitary measures for the disposal of solid wastes. A spill prevention plan will be required.*

C.1.14 Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: *This project does not involve the exploration, drilling, or production of gas, oil or petroleum product and therefore, this chapter does not apply.*

C.1.15 Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact of proposed large-scale development on natural systems.

Response: The proposed project would benefit the natural areas, i.e. WCA 2A, WCA 3A by assisting in improving the water quality in water delivered to the WCAs. The project is consistent with the goals of this chapter.

C.1.16 Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The project would not further the propagation of mosquitoes or other pest arthropods. Forage fish in the impoundment would help control mosquitoes in the project site by foraging on the mosquito larvae. The wetland system would contain deeper water refugia that would provide habitat for the forage fish during the dry seasons.

C.1.17 Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the Florida Department of Environmental Regulation (now a part of the Florida Department of Environmental Protection).

Response: An Environmental Impact Statement addressing project impacts will be reviewed by the appropriate resource agencies including the Florida Department of Environmental Protection. Environmental protection measures will be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources will occur. Water Quality Certification will be sought from the State prior to construction. The project complies with the intent of this chapter.

C.1.18 Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the project. Particular attention will be given to projects on or near agricultural lands.

Response: *Project construction and implementation will include appropriate erosion control plans and measures to ensure compliance with the intent of the chapter. At all times during the construction, the SFWMD shall use best management techniques for erosion and sedimentation control. All graded areas shall be stabilized and vegetated immediately after construction to prevent erosion. Prior to commencement of construction activities, the SFWMD shall prepare a Best Management Practices plan which details the use of sediment controls to minimize the suspension and transport of soils, levee materials, and roadway materials into waters adjacent to or downstream of the construction site.*